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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,728	07/03/2001	Gary Le Mon	1359.GLEM.CI	2935
26929	7590	04/20/2006	EXAMINER	
BRIAN C. TRASK 3601 EAST HERMES DRIVE SALT LAKE CITY, UT 84124			APPLE, KIRSTEN SACHWITZ	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/899,728	<b>Applicant(s)</b> MON, GARY LE	
	<b>Examiner</b> Kirsten S. Apple	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/04/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Detailed Action**

This action is in response to the application filed on 07/03/2001.

### ***Priority***

Acknowledgment is made of applicant's claim for prior priority date of  
Continuation in Part of Application 09/668,444 filed on 09/22/2000.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular claim 9 is indefinite because it says

"according to claim 8" – claim 8 is dispensing cash, unless the claim indicates you are splitting the loan proceeds, the loan can only be dispensed by cash (claim 8) or check (claim 9) not both.

For the purposes of this review the examiner will interpret claim 9 to be

"according to claim 7"

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-11 & 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dykstra et al. (U.S. Patent 6,029,149).

**Re claim 1:** Dykstra discloses:

*A method for processing loans comprising: (see Dykstra, title "loan processing")*

*Receiving a loan application (see Dykstra, Figure 2A, Item 100)*

*Processing the loan (see Dykstra, Figure 2A, Item 102-122)*

*Dispensing the loan proceeds (see Dykstra, Column 7, line 49-50 "obtain the loan money")*

**Re claim 2:** Dykstra discloses:

*Receiving the loan application via a fax or scanner (see Dykstra, Figure 1, Items 30 & 34)*

**Re claim 3:** Dykstra discloses:

*Distributing the loan proceeds to the debtor in the form a check printed at the remote location (see Dykstra, Column 8, line 15 "instead of the lender issuing a check" implying that this is the standard practice)*

**Re claim 5:** Dykstra discloses:

*Receiving a copy of a check of the debtor via fax or scanner (see Dykstra, Figure 1, Items 30 & 34)*

**Re claim 6:** Dykstra discloses:

*Depositing funds into the account of the debtor so that they post to the debtor's account on the same day as the loan application (see Dykstra, Column 8, line 12-13 "thought automated clearing house (ACH)." Additionally, the examiner notes Official Notice that is known to one of ordinary skill in the art at the time of the invention that an ACH transaction can be same day electronic transfer)*

**Re claim 7:** Dykstra discloses:

*Dispensing funds directly to the debtor (see Dykstra, Column 8, line 12-13 "thought automated clearing house (ACH).")*

**Re claim 8:** Dykstra discloses:

*Dispensing cash to the debtor (see Dykstra, Column 8, line 12 "facilitating loan proceeds" The examiner claim Official Notice that one way to dispense proceed would be through cash.)*

**Re claim 9:** Dykstra discloses:

*Dispensing a check to the debtor (see Dykstra, Column 8, line 15 "instead of the lender issuing a check" implying that this is the standard practice)*

**Re claim 10:** Dykstra discloses:

*Receiving the loan application at a central processing station and verifying information on the loan (see Dykstra, Figure 1, Item 10)*

**Re claim 11:** Dykstra discloses:

*Central processing station debits the debtor's account to repay the loan (see Dykstra, Figure 1, Item 10)*

**Re Claims 14-15**

*Claims 1-2 have the small limitations as claims 14-15. Therefore, claims 14-15 are rejected based on the information provided regarding claims 1-2.*

**Re claim 20-23:**

Claims 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallacher et al. (U.S. Patent 6,021,400) .

**Re Claims 20:** Gallacher discloses:

*An apparatus for loans comprising:*

*Means for transmitting (see Gallacher, Figure 2, "modem")*

*Means for supplying loan contract (see Gallacher, Figure 2,"screen" and "disp")*

*Means for dispensing funds (see Gallacher, Figure 2, "disp")*

**Re claim 21:** Gallacher discloses:

*Means for transmitting via- scanner, fax, a card reader, a keyboard and a camera (see Gallacher, Figure 2, "modem")*

**Re Claims 22:** Gallacher discloses:

*Means for supplying loan contract via printer and a touch sensitive screen (see Gallacher, Figure 2,"screen" and "disp")*

**Re Claims 23:** Gallacher discloses:

*Means for dispensing funds via printer configured for printing checks and a cash dispenser (see Gallacher, Figure 2, "disp")*

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Re claim 4, 12 & 13:**

Claims 4, 12 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykstra et al. (U.S. Patent 6,029,149) in view of Walker et al. (U.S. Patent 6,088,686)

**Re claim 4:** Walker discloses:

*Obtaining digital information from the debtor's debit card (see Walker, Figure 1B, Item 56)*

Although Dykstra does not have a debit card, Walker teaches obtaining debit card information for the loan applicant.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add loan machine as taught in Walker to Dykstra.

It is clear that one would be motivated to have more information and a reference for checking past history of loan applicant.

**Re claim 12:** Walker discloses:

*Verifying the identity of the debtor (see Walker, Column 3, line 15 "identification")*

Although Dykstra does not specifically describe verifying identity it is assumed in addition Walker teaches verifying identity for the loan applicant.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add loan machine as taught in Walker to Dykstra.

It is clear that one would be motivated to have additional security.

**Re claim 13:** Walker discloses:

*Identity verified by one of taking a photograph of the debtor, taking a retinal scan of the debtor or taking a finger print of the debtor. (see Walker, Column 3, line 15 "identification" traditionally "photo identification" The examiner further claims Official Notice that it is commonly known to one of ordinary skill in art at the time of the invention to use bio-data such as photo scans, retinal scans or finger prints to "identify")*

Although Dykstra does not specifically describe verifying identity it is assumed in addition Walker teaches verifying identity for the loan applicant.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add loan machine as taught in Walker to Dykstra.

It is clear that one would be motivated to have additional security.

**Re claim 16-19**

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being *unpatentable* over Dykstra et al (US Patent 6,029,149) in view of Gallacher et al. (U.S. Patent 6,021,400)

**Re claim 16:** Gallacher discloses:

*Payday loan machine is located in copy center, a mail receiving center, a mall, a grocery store and a convenience store. (see Gallacher, abstract "system of ATMs". The examiner argues Official Notice that an ATM (being used as the payday loan machine) are commonly located in an area of high traffic convenient to customers similar to*



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*branch banks or other vending machines, including in copy center, a mail receiving center, a mall, a grocery store or a convenience store.)*

Although Dykstra does not have a payday loan machine, Gallacher teaches a payday loan machine which is an ATM.

Therefore, it would have been obvious to one of ordinary skill in art at the time of the invention was made to add loan machine as taught in Gallacher to Dykstra.

It is clear that one would be motivated to make loan applications more convenient to customers.

**Re Claims 17:** Gallacher discloses:

*Providing confirmation or denial via payday loan machine (see Gallacher, Figure 11, Item 130)*

**Re claim 18:** Gallacher discloses:

*Withdrawing an amount plus a loan fee on a date agreed upon (see Gallacher, Figure 2, "disp")*

**Re Claims 19:** Gallacher discloses:

*Receiving a request for extension of time via payday loan machine (see Gallacher, Figure 9, item 63)*

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner would also like to note in the current form this

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application directly read on probably 25 patents for the sake of brevity only the top ones are listed below.

Dykstra et al., U.S. Patent No 5,930,776, discloses a loan processing system.

Dykstra et al., U.S. Patent No 5,611,052, discloses a loan processing system.

DeFrancesco et. al. U.S. Patent No 6,587,841, automated credit application analysis.


### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571.272.6799. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

  
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